



TSW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Andrew DOWNIE et al Confirmation No. 6184  
Application No.: 10/798,201 Group Art Unit: 3672  
Filing Date: March 10, 2004 Examiner: J.H. Gay  
For: DOWNHOLE TOOL Attorney Docket No.: 85170-4599

**REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Notice of Abandonment mailed March 31, 2006 (copy enclosed), the undersigned requests the withdrawal of holding of abandonment for the following reasons:

1. The Patent Office states that applicant failed to timely file a proper reply to the Office letter mailed March 31, 2006.
2. On February 10, 2006, attorney for applicant sent by express mail the following: Petition for Extension of Time (in duplicate), Amendment, one replacement sheet for Fig. 1B, and a postcard to be stamped by the Patent Office. (Enclosed are copies of the above-noted papers.)
3. Enclosed is a copy of the stamped postcard showing the Patent Office received the above-noted papers on February 10, 2006.

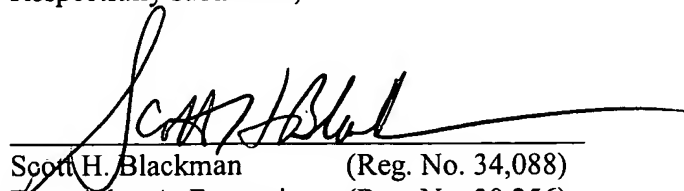
In view of the above, the undersigned respectfully requests that the Notice of Abandonment, dated March 31, 2006, be withdrawn and the application be forwarded to the Examiner for further prosecution.

No fee is believed to be due for this submission. Please direct any further questions to the undersigned.

Respectfully submitted,

Date:

6 June 2006

  
Scott H. Blackman (Reg. No. 34,088)  
For: Allan A. Fanucci (Reg. No. 30,256)

**WINSTON & STRAWN LLP**  
**CUSTOMER NO. 28765**

(202) 282-5904

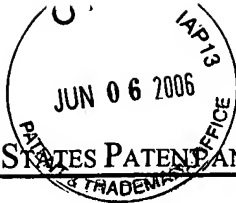


Express Mail No. EV 346 794 945 US  
Date Mailed: February 9, 2006  
U.S. Patent Application of Andrew DOWNIE et al.  
Application Serial No. 10/798,201  
Filed: March 10, 2004  
For: DOWNHOLE TOOL

**Petition For Extension Of Time**  
**Under 37 CFR § 1.136(a)**  
**Amendment (12 pages)**  
**Replacement Sheet 1/6 for Fig. 1B**

File No. 85170-4599      Sender: AAF/dk





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,201	03/10/2004	Andrew McPherson Downie	85170-4599	6184

28765 7590 03/31/2006

WINSTON & STRAWN LLP  
1700 K STREET, N.W.  
WASHINGTON, DC 20006

EXAMINER

GAY, JENNIFER HAWKINS

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**RECEIVED**

APR 04 2006

WINSTON & STRAWN  
DOCKETING DEPT. (D.C.)



# **Notice of Abandonment**

Application No.

10/798,201

Examiner

Jennifer H. Gay

Applicant(s)

DOWNIE ET AL.


Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 12 August 2005.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

  
Jennifer H. Gay  
Primary Examiner  
Art Unit: 3672

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.